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1 AMENDMENT TO SENATE BILL 38

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 38 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Humane Care for Animals Act is amended by  
5 changing Sections 3.02 and 8 and by adding Section 3.09 as  
6 follows:

7 (510 ILCS 70/3.02)

8 Sec. 3.02. Aggravated cruelty.

9 (a) No person may intentionally commit an act that causes a  
10 companion animal to suffer serious injury or death. Aggravated  
11 cruelty does not include euthanasia of a companion animal  
12 through recognized methods approved by the Department of  
13 Agriculture unless prohibited under subsection (b).

14 (b) No individual, except a licensed veterinarian as  
15 exempted under Section 3.09, may knowingly or intentionally  
16 euthanize or authorize the euthanasia of a companion animal by

1 use of carbon monoxide.

2 (c) A person convicted of violating Section 3.02 is guilty  
3 of a Class 4 felony. A second or subsequent violation is a  
4 Class 3 felony. In addition to any other penalty provided by  
5 law, upon conviction for violating this Section, the court may  
6 order the convicted person to undergo a psychological or  
7 psychiatric evaluation and to undergo any treatment at the  
8 convicted person's expense that the court determines to be  
9 appropriate after due consideration of the evaluation. If the  
10 convicted person is a juvenile or a companion animal hoarder,  
11 the court must order the convicted person to undergo a  
12 psychological or psychiatric evaluation and to undergo  
13 treatment that the court determines to be appropriate after due  
14 consideration of the evaluation.

15 (Source: P.A. 92-650, eff. 7-11-02.)

16 (510 ILCS 70/3.09 new)

17 Sec. 3.09. Carbon monoxide euthanasia by a licensed  
18 veterinarian. A licensed veterinarian may euthanize a  
19 companion animal in a commercially manufactured chamber by use  
20 of compressed carbon monoxide. The veterinarian must be  
21 physically present during the euthanasia process until death is  
22 confirmed. The veterinarian must take all of the following  
23 steps when using a gas chamber:

24 (1) Render a written opinion for each companion animal  
25 including:

1           (A) a description of the animal including species,  
2           color, age, sex, and microchip number if present; and

3           (B) a signed and dated statement that the use of  
4           compressed carbon monoxide is the most humane method of  
5           euthanasia for this companion animal.

6           (2) Use a commercially manufactured chamber pursuant  
7           to the guidelines set forth in the most recent report of  
8           the AVMA Panel on Euthanasia. The interior of the chamber  
9           must be well lit and equipped with view-ports, a regulator,  
10           and a flow meter. Monitoring equipment must be used at all  
11           times during the operation. Animals that are under 4 months  
12           of age, old, injured, or sick may not be euthanized by  
13           carbon monoxide. Animals shall remain in the chamber and be  
14           exposed for a minimum of 20 minutes. Staff members shall be  
15           fully notified of potential health risks.

16           (3) Only one companion animal may be euthanized at a  
17           time.

18           (510 ILCS 70/8) (from Ch. 8, par. 708)

19           Sec. 8. Rulemaking.

20           The Department shall administer this Act and shall  
21           promulgate such rules and regulations as are necessary to  
22           effectuate the purposes of this Act. Such rules and regulations  
23           are subject to the approval of the Advisory Board of Livestock  
24           Commissioners. No later than 6 months after the effective date  
25           of this amendatory Act of the 96th General Assembly, the

1 Department shall adopt rules defining the "recognized methods  
2 for the humane euthanasia of companion animals" referred to in  
3 subsection (a) of Section 3.02 of this Act.

4 The Director may, in formulating rules and regulations  
5 pursuant to this Act, seek the advice and recommendations of  
6 humane societies in this State.

7 (Source: P.A. 78-905.)

8 Section 10. The Humane Euthanasia in Animal Shelters Act is  
9 amended by changing Sections 5, 10, 35, 57, 65, 90, and 165 as  
10 follows:

11 (510 ILCS 72/5)

12 Sec. 5. Definitions.

13 The following terms have the meanings indicated, unless the  
14 context requires otherwise:

15 "Animal" means any bird, fish, reptile, or mammal other  
16 than man.

17 "DEA" means the United States Department of Justice Drug  
18 Enforcement Administration.

19 "Department" means the Department of Professional  
20 Regulation.

21 "Director" means the Director of the Department of  
22 Professional Regulation.

23 "Euthanasia agency" means an entity certified by the  
24 Department for the purpose of animal euthanasia that holds an

1 animal control facility or animal shelter license under the  
2 Animal Welfare Act and that permits only euthanasia technicians  
3 or veterinarians to perform the euthanasia of animals.

4 "Euthanasia drugs" means Schedule II or Schedule III  
5 substances (nonnarcotic controlled substances) as set forth in  
6 the Illinois Controlled Substances Act that are used by a  
7 euthanasia agency for the purpose of animal euthanasia.

8 "Euthanasia technician" or "technician" means a person  
9 employed by a euthanasia agency or working under the direct  
10 supervision of a veterinarian and who is certified by the  
11 Department to administer euthanasia drugs to euthanize  
12 animals.

13 "Veterinarian" means a person holding the degree of Doctor  
14 of Veterinary Medicine who is licensed under the Veterinary  
15 Medicine and Surgery Practice Act of 2004.

16 (Source: P.A. 92-449, eff. 1-1-02; 93-281, eff. 12-31-03.)

17 (510 ILCS 72/10)

18 Sec. 10. Certification requirement, exemptions.

19 (a) Except as otherwise provided in this Section, no person  
20 shall euthanize animals in an animal shelter or animal control  
21 facility without possessing a certificate issued by the  
22 Department under this Act.

23 (b) Nothing in this Act shall be construed as preventing a  
24 licensed veterinarian or an instructor during an approved  
25 course from humanely euthanizing animals in animal shelters or

1 animal control facilities.

2 (c) Nothing in this Act prevents a veterinarian who is  
3 employed by the Department of Agriculture, or any other person  
4 who is employed by the Department of Agriculture and acting  
5 under the supervision of such a veterinarian, from humanely  
6 euthanizing animals in the course of that employment.

7 (d) Instructors or licensed veterinarians teaching humane  
8 euthanasia technicians are exempt from the certification  
9 process as long as they are currently licensed by another state  
10 as a euthanasia technician or as a veterinarian.

11 (Source: P.A. 92-449, eff. 1-1-02.)

12 (510 ILCS 72/35)

13 Sec. 35. Technician certification; duties.

14 (a) An applicant for certification as a euthanasia  
15 technician shall file an application with the Department and  
16 shall:

17 (1) Be 18 years of age.

18 (2) Be of good moral character. In determining moral  
19 character under this Section, the Department may take into  
20 consideration whether the applicant has engaged in conduct  
21 or activities that would constitute grounds for discipline  
22 under this Act.

23 (3) Each applicant for certification as a euthanasia  
24 technician shall have his or her fingerprints submitted to  
25 the Department of State Police in an electronic format that

1 complies with the form and manner for requesting and  
2 furnishing criminal history record information as  
3 prescribed by the Department of State Police. These  
4 fingerprints shall be checked against the Department of  
5 State Police and Federal Bureau of Investigation criminal  
6 history record databases now and hereafter filed. The  
7 Department of State Police shall charge applicants a fee  
8 for conducting the criminal history records check, which  
9 shall be deposited in the State Police Services Fund and  
10 shall not exceed the actual cost of the records check. The  
11 Department of State Police shall furnish, pursuant to  
12 positive identification, records of Illinois convictions  
13 to the Department.

14 (4) Hold a license or certification from the American  
15 Humane Association, the National Animal Control  
16 Association, the Illinois Federation of Humane Societies,  
17 or the Humane Society of the United States issued within 3  
18 years preceding the date of application. Every 5 years a  
19 certified euthanasia technician must renew his or her  
20 certification with the Department. At the time of renewal,  
21 the technician must present proof that he or she attended a  
22 class or seminar, administered by the American Humane  
23 Association, the National Animal Control Association, the  
24 Illinois Federation of Humane Societies, or the Humane  
25 Society of the United States, that teaches techniques or  
26 guidelines, or both, for humane animal euthanasia.

1           ~~For a period of 12 months after the adoption of final~~  
2           ~~administrative rules for this Act, the Department may issue~~  
3           ~~a certification to an applicant who holds a license or~~  
4           ~~certification from the American Humane Association, the~~  
5           ~~National Animal Control Association, the Illinois~~  
6           ~~Federation of Humane Societies, or the Humane Society of~~  
7           ~~the United States issued after January 1, 1997.~~

8           (5) Pay the required fee.

9           (b) The duties of a euthanasia technician shall include but  
10          are not limited to:

11           (1) preparing animals for euthanasia and scanning each  
12          animal, prior to euthanasia, for microchips;

13           (2) accurately recording the dosages administered and  
14          the amount of drugs wasted;

15           (3) ordering supplies;

16           (4) maintaining the security of all controlled  
17          substances and drugs;

18           (5) humanely euthanizing animals via intravenous  
19          injection by hypodermic needle, intraperitoneal injection  
20          by hypodermic needle, ~~solutions or powder added to food or~~  
21          ~~by mouth,~~ intracardiac injection only on comatose animals  
22          by hypodermic needle, ~~or carbon monoxide in a commercially~~  
23          ~~manufactured chamber;~~ and

24           (6) properly disposing of euthanized animals after  
25          verification of death.

26          (c) A euthanasia technician employed by a euthanasia agency

1 may perform euthanasia by the administration of a Schedule II  
2 or Schedule III nonnarcotic controlled substance. A euthanasia  
3 technician may not personally possess, order, or administer a  
4 controlled substance except as an agent of the euthanasia  
5 agency.

6 (d) Upon termination from a euthanasia agency, a euthanasia  
7 technician shall not perform animal euthanasia until he or she  
8 is employed by another certified euthanasia agency.

9 (e) A certified euthanasia technician or an instructor in  
10 an approved course does not engage in the practice of  
11 veterinary medicine when performing duties set forth in this  
12 Act.

13 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

14 (510 ILCS 72/57)

15 Sec. 57. Procedures for euthanasia.

16 (a) Only euthanasia drugs ~~and commercially compressed~~  
17 ~~carbon monoxide, subject to the limitations imposed under~~  
18 ~~subsection (b) of this Section,~~ shall be used for the purpose  
19 of humanely euthanizing injured, sick, homeless, or unwanted  
20 companion animals in an animal shelter or an animal control  
21 facility licensed under the Illinois Animal Welfare Act, except  
22 that a licensed veterinarian may euthanize companion animals in  
23 such a shelter or facility by the use of carbon monoxide if the  
24 veterinarian complies with the requirements set forth in  
25 Section 3.09 of the Humane Care for Animals Act. Euthanasia by

1 a certified euthanasia technician shall be conducted only  
2 within the physical premises of an animal shelter licensed  
3 under the Animal Welfare Act or an animal control facility  
4 licensed under the Animal Welfare Act, except that a certified  
5 euthanasia technician employed by an animal control facility  
6 licensed under the Animal Welfare Act may euthanize animals in  
7 the field in emergency situations..

8 (b) (Blank). ~~Commercially compressed carbon monoxide may~~  
9 ~~be used as a permitted method of euthanasia provided that it is~~  
10 ~~performed in a commercially manufactured chamber pursuant to~~  
11 ~~the guidelines set forth in the most recent report of the AVMA~~  
12 ~~Panel on Euthanasia. A chamber that is designed to euthanize~~  
13 ~~more than one animal at a time must be equipped with~~  
14 ~~independent sections or cages to separate incompatible~~  
15 ~~animals. The interior of the chamber must be well lit and~~  
16 ~~equipped with view ports, a regulator, and a flow meter.~~  
17 ~~Monitoring equipment must be used at all times during the~~  
18 ~~operation. Animals that are under 4 months of age, old,~~  
19 ~~injured, or sick may not be euthanized by carbon monoxide.~~  
20 ~~Animals shall remain in the chamber and be exposed for a~~  
21 ~~minimum of 20 minutes. Staff members shall be fully notified of~~  
22 ~~potential health risks.~~

23 (c) Animals cannot be transported beyond State lines for  
24 the sole purpose of euthanasia unless the euthanasia ~~methods~~  
25 ~~comply with subsection (a) or (b) of this Section and the~~  
26 ~~euthanasia~~ is performed by a licensed veterinarian in a manner

1 that is consistent with subsection (a) of this Section  
2 ~~certified euthanasia technician.~~

3 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

4 (510 ILCS 72/65)

5 Sec. 65. Refused issuance, suspension, or revocation of  
6 certification. The Department may refuse to issue, renew, or  
7 restore a certification or may revoke or suspend a  
8 certification, or place on probation, reprimand, impose a fine  
9 not to exceed \$10,000 ~~\$1,000~~ for each violation, or take other  
10 disciplinary or non-disciplinary action as the Department may  
11 deem proper with regard to a certified euthanasia agency or a  
12 certified euthanasia technician for any one or combination of  
13 the following reasons:

14 (1) in the case of a certified euthanasia technician,  
15 failing to carry out the duties of a euthanasia technician  
16 set forth in this Act or rules adopted under this Act;

17 (2) abusing the use of any controlled ~~chemical~~  
18 substance or euthanasia drug;

19 (3) selling, stealing, or giving controlled ~~chemical~~  
20 substances or euthanasia drugs away;

21 (4) abetting anyone in violating item (1) or (2) of  
22 this Section ~~the activities listed in this subsection; or~~

23 (5) violating any provision of this Act, the Illinois  
24 Controlled Substances Act, the Illinois Food, Drug and  
25 Cosmetic Act, the federal Food, Drug, and Cosmetic Act, the

1       federal Controlled Substances Act, the rules adopted under  
2       these Acts, or any rules adopted by the Department of  
3       Professional Regulation concerning the euthanizing of  
4       animals; -

5       (6) in the case of a euthanasia technician, acting as a  
6       euthanasia technician outside of the scope of his or her  
7       employment with a certified euthanasia agency; and

8       (7) in the case of a euthanasia technician, being  
9       convicted of or entering a plea of guilty or nolo contendere  
10      to any crime that is (i) a felony under the laws of the  
11      United States or any State or territory thereof, (ii) a  
12      misdemeanor under the laws of the United States or any  
13      State or territory an essential element of which is  
14      dishonesty, or (iii) directly related to the practice of  
15      the profession.

16      (Source: P.A. 92-449, eff. 1-1-02.)

17      (510 ILCS 72/90)

18      Sec. 90. Uncertified practice; civil penalty.

19      (a) A person who practices, offers to practice, attempts to  
20      practice, or holds himself or herself out as a certified  
21      euthanasia technician or a certified euthanasia agency without  
22      being certified under this Act shall, in addition to any other  
23      penalty provided by law, pay a civil penalty to the Department  
24      in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as  
25      determined by the Department. The civil penalty shall be

1 assessed by the Department after a hearing is held in  
2 accordance with the provisions set forth in this Act regarding  
3 the provision of a hearing for the discipline of a certified  
4 euthanasia technician or a certified euthanasia agency. The  
5 civil penalty must be paid within 60 days after the effective  
6 date of the order imposing the civil penalty. The order shall  
7 constitute a judgment and may be filed and executed in the same  
8 manner as any judgment from any court of record.

9 (b) The Department may investigate any uncertified  
10 activity.

11 (c) Instructors or licensed veterinarians teaching humane  
12 euthanasia techniques are exempt from the certification  
13 process so long as they are currently licensed by another state  
14 as a euthanasia technician or as a veterinarian.

15 (Source: P.A. 92-449, eff. 1-1-02.)

16 (510 ILCS 72/165)

17 Sec. 165. Criminal penalties. An agency or technician who  
18 is found to have violated a provision of this Act is guilty of  
19 a Class A misdemeanor. On conviction of a second or subsequent  
20 offense, the violator shall be guilty of a Class 4 felony. The  
21 Department shall, for the purpose of criminal investigation and  
22 prosecution, refer alleged violations of this Act to (i) local  
23 law enforcement officials or the Illinois State Police and (ii)  
24 the State's Attorney of the county within which the violation  
25 occurred. The Department shall, for the purpose of criminal

1 investigation and prosecution, refer alleged violations of the  
2 Humane Care for Animals Act to (i) local law enforcement  
3 officials or the Illinois State Police and (ii) the State's  
4 Attorney of the county within which the violation occurred.

5 (Source: P.A. 92-449, eff. 1-1-02.)

6 Section 97. Severability. The provisions of this Act are  
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."